



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/729,896 | 12/08/2003 | Joseph C. Hurlburt | | 2230 |

32993 7590 01/30/2007
MILLER LAW GROUP, PLLC
25 STEVENS AVENUE
WEST LAWN, PA 19609

EXAMINER

LOWE, MICHAEL S

ART UNIT PAPER NUMBER

3652

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/30/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/729,896

Applicant(s)

HURLBURT, JOSEPH C.

Examiner

M. Scott Lowe

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/12/06 & 4/13/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14, 24-26, 37 and 43-46 is/are rejected.
- 7) ☒ Claim(s) 6-13, 15-23, 27-36 and 38-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

In accordance with the interview of 5/12/06 between Larry Miller and Eileen Lillis, applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

The following action is based on the application as of 12/21/05, the amendment filed 4/12/06 and 4/13/06 could not be entered since it did not comply with CFR 1.173.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5,14,24,43-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Yant (US 3,235,284).

Re claim 1, Yant teaches a trailer comprising:
an articulated frame having at least a pair of transversely opposed wheels 24 rotatable about an axis of rotation 25, said articulated frame including a tilt frame 21 pivotable about a tilt pivot axis 25 and a draft tongue 60 pivotally connected to said tilt frame 21 for pivotal movement about an articulation axis 63 located forwardly of said tilt pivot axis; and
a bed frame 30 supported on said articulated frame 21 for selective pivotal movement relative to said articulated frame 21 about a dump pivot axis 32 oriented rearwardly of

Art Unit: 3652

said tilt pivot axis 25, said bed frame 30 being selectively movable with said tilt frame 21 about said tilt pivot axis 25.

Re claim 2, Yant teaches said bed frame 30 also connected to said articulated frame 21 by a connection apparatus 35 positioned forwardly of said tilt pivot axis 25 to restrict pivotal movement of said bed frame 30 relative to said tilt frame 21, said articulated frame including a locking device 35 selectively coupling said tilt frame 21 to said draft tongue 60 to restrict pivotal movement of said tongue relative to said tilt frame about said articulation axis 63.

Re claim 3, Yant teaches said bed frame 30 moves vertically relative to said draft tongue 60 when pivoting about said tilt axis 25 and when pivoting about said dump axis 32, said tilt frame 21 moving vertically relative to said draft tongue 60 only when said bed frame pivots 60 about said tilt axis 25.

Re claim 4, Yant teaches an actuator mechanism 35 supported on said tongue 60 and coupled to said bed frame 30 to power the pivotal movement of said bed frame 30 about at least one of said dump pivot axis 32 and said tilt pivot axis 25.

Re claims 5,14,24, Yant teaches said actuator mechanism comprises:
a mounting bracket (37 or 61,62) affixed to said tongue;
a linear actuator 35 supported on said mounting bracket; and
a yoke 38 (definition of yoke is merely a connector, as broadly claimed item 38 meets the limitation) connected to said actuator for vertical movement thereof in response to a corresponding linear movement of said actuator, said yoke being pivotally connected to

Art Unit: 3652

said bed frame 30 to cause vertical movement thereof in response to said linear movement of said actuator.

Re claims 43-46, Yant teaches trailer comprising:

a main frame (not numbered) having at least a pair of transversely opposed wheels 24 rotatable about an axis of rotation, said main frame including a tilt frame 21 pivotable about a tilt pivot axis 25 and a draft tongue 60, said tilt frame 21 being pivotally movable relative to said draft tongue 60;

a bed frame 30 including a forwardmost transverse frame member (not numbered), said bed frame being supported on said main frame for selective pivotal movement relative to said tilt frame about a dump pivot axis 32 oriented rearwardly of said tilt pivot axis 25, said bed frame further being selectively movable with said tilt frame relative to said draft tongue about said tilt pivot axis;

a locking mechanism (35,45,65,etc., read on this) cooperatively associated with said bed frame, said tilt frame and said draft tongue for selectively permitting said bed frame to pivot respectively relative to said dump pivot axis and relative to said tilt pivot axis; and an actuator 35 interconnecting said draft tongue 60 and said bed frame forwardly of said forwardmost transverse frame member to effect pivotal movement of said bed frame.

Claims 25,26,37 is rejected under 35 U.S.C. 102(b) as being anticipated by Woerman (US 4,652,196).

Re claim 25, Woerman teaches an apparatus comprising:

Art Unit: 3652

a frame 29 supported above the ground by a pair of wheels 23 rotatable about an axis of rotation;

a load bed (various, 28, etc.) pivotally connected to said frame for vertical movement relative thereto; and

an actuator mechanism 6 positioned forwardly of said load bed and being pivotally supported on said frame at an actuator pivot axis, said actuator mechanism including a yoke 7 pivotally connected to said load bed for movement relative thereto about a yoke pivot axis oriented in substantial alignment with said actuator pivot axis.

Re claim 26, Woerman teaches said load bed (various, 28, etc.) includes a first stop apparatus (the various pins and brackets, etc.) positioned to restrict rearward pivotal movement of said actuator 6 and a frame supported second stop apparatus (the various pins and brackets, etc.) positioned to restrict forward pivot movement of said actuator.

Re claim 37, Woerman teaches an actuating mechanism for use between a frame 29 and a movable member (28 or 8) pivotally connected to said frame to effect pivotal movement of said movable member relative to said frame, comprising:

a linear actuator 6 supported on said frame and including a housing defining a first end of said linear actuator and an extensible member defining a second end of said linear actuator, said extensible member being linearly movable from an operative portion of said housing spaced from said first end; and

a yoke 7 connected to said linear actuator at a connection point and having arms 7 pivotally connected to said movable member (28 or 8) along a yoke pivot axis to effect

Art Unit: 3652

vertical movement of said movable member relative to said flame in response to a corresponding linear movement of said extensible member, said yoke pivot axis being located such that said operative portion is located between said connection point and said yoke pivot axis when said linear actuator is fully retracted with said first and second ends spaced at a minimum distance.

Allowable Subject Matter

Claims 6-13,15-23,27-36,38-42, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's arguments with respect to the above rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-W; Th work offsite.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

msl



PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600